

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAN BUNKERING (AMERICA) INC.	§	
	§	
Plaintiff,	§	
	§	
	§	
	§	
V.	§	CIVIL ACTION NO.: 4:20-cv-00321
	§	IN ADMIRALTY, Rule 9(h)(C)
	§	
SWIBER MARINE MEXICO, S.A. DE	§	
C.V., RANGER OFFSHORE, INC.,	§	
<i>IN PERSONAM</i>	§	
AND M/V SWIBER ADA <i>IN REM</i>	§	
	§	
Defendants.	§	

**DAN BUNKERING (AMERICA) INC.'S REQUEST FOR
INTERNATIONAL JUDICIAL ASSISTANCE
(LETTER ROGATORY)**

THE UNITED STATES DISTRICT COURT, Southern District of Texas, Houston Division presents its compliments to the appropriate judicial authority of Mexico and requests international judicial assistance to serve a complaint to be used in a civil proceeding before this court in the above-styled matter.

This court requests the assistance described herein as necessary in the interest of justice.

The assistance requested is that the appropriate Central Authority of Mexico, Ministry of Foreign Affairs, Directorate-General of Legal Affairs, Plaza Juárez No. 20, Planta Baja, Col. Centro, Alcaldía Cuauhtémoc, C.P. 06010 Ciudad de México, Mexico, effects service of process of the attached herein Summons and Verified Amended Complaint filed in this court on June 9, 2020 ("Exhibit 1"), upon Swiber Marine de Mexico S.A. de C.V. ("Swiber") with its principal

office at Corporativo Antara I, Av Ejército Nacional 843 B, Granada, Miguel Hidalgo, 11520 Ciudad de México, CDMX, Mexico, and to authorize Miguel Angel Hernandez Romo, Miguel Angel Hernandez-Romo Valencia, Jorge Enrique Hernandez Marin, Laura Jimenez- O’Farrill Gutierrez de Velasco y Carlos Gerardo Barojas Flores of Foley Arena | A Subsidiary of Foley & Lardner LLP, as legal representative of Dan Bunkering (America) Inc. to carry on all the activities related to the service of the Summons and Verified Amended Complaint according to applicable Mexican law.

FACTS

In the fall of 2018, Dan Bunkering entered into a bunker supply agreement with Ranger Offshore, Inc. (“Ranger”). Ranger ordered marine fuel from Dan Bunkering and failed to pay Invoice No. 61273 for \$405,999.01. Pursuant to Bill of Lading No. 18/0075, on September 11, 2018, 80,600 gallons of fuel were delivered for the benefit of *M/v Swiber ADA* (the “Vessel”).

Both, Swiber and Ranger benefited from the marine fuel consumed by the Vessel ordered by Ranger and sold by Dan Bunkering. Invoice No. 61273 for \$405,999.01 remains outstanding, plus all applicable fees, interest, and costs. As a result of the foregoing, Dan Bunkering has a valid maritime lien against the vessel for the provision of necessities.

M/v Swiber ADA is currently under arrest by Dan Bunkering in Tuxpan de Rodriguez Cano, Veracruz, Mexico. On September 8, 2020, Judge Juan Manuel Gomez Soriano of the Seventh District Court of the State of Mexico, issued an order directing the seizure of *M/v Swiber ADA*, as an interim relief measure. The seizure was effectively performed on September 10, 2020 at 10:00 a.m.

RECIPROCITY

This court hereby expresses its willingness to provide some assistance to judicial authorities of Mexico.

REIMBURSEMENT OF COSTS

This court also indicates a willingness to require the parties seeking this relief to reimburse the judicial authorities of Mexico for the cost incurred in executing this Letter Rogatory.

Done on this 9th day of October, 2020.

Houston, Texas, United States



UNITED STATES DISTRICT COURT
JUDGE KEITH P. ELLISON